

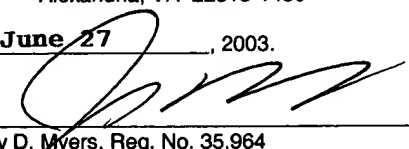


PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on June 27, 2003.


Jeffrey D. Myers, Reg. No. 35,964

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/955,712
Applicant : SHALAEV ET AL.
Filed : 09/19/2001
Title : OPTICAL STRUCTURES EMPLOYING SEMICONTINUOUS METAL FILMS

TC/A.U. : 2872
Examiner : LAVARIAS, ARNEL C

Docket No. : 37000-0015

Commissioner for Patents
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Alexandria, Virginia 22313-1450

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TECHNOLOGY CENTER 2800

DECLARATION OF VLADIMIR M. SHALAEV UNDER 37 C.F.R. § 1.132

Sir:

VLADIMIR M. SHALAEV declares as follows:

1. I am an inventor of the subject matter of the above-identified patent application.
2. I conceived and invented the inventive subject matter disclosed in V. M. Shalaev, "Nonlinear Optics of Random Media: Fractal Composites and Metal-Dielectric Films", Springer-Verlag, Berlin, 12/1999 and cited by the Examiner in rejecting the above-identified patent application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: 06/17/03

Vladimir M. Shalaev
VLADIMIR M. SHALAEV

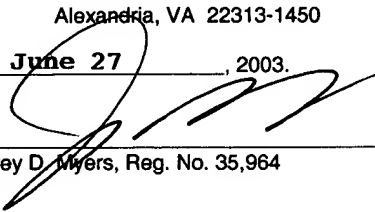


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JOINT DECLARATION OF VLADIMIR M. SHALAEV AND Z. CHARLES YING UNDER 37 C.F.R. § 1.132

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1800

Sir:

VLADIMIR M. SHALAEV and Z. CHARLES YING declare as follows:

1. We are inventors of the subject matter of the above-identified patent application.
2. We are co-authors of the publication S. Ducourtieux *et. al*, "Percolation and Fractal Composites: Optical Studies", Journal of Nonlinear Optical Physics & Materials, vol. 9, No. 1 (3/2000), pp. 105-116.

3. We jointly conceived and invented the inventive subject matter disclosed in said publication and cited by the Examiner in rejecting the above-identified patent application. The other co-authors' contributions to said publication involved sample preparation, characterization, and measurement, and thus are not directed to the claims at issue in the above-identified patent application.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: _____

VLADIMIR M. SHALAEV

Date: 6/16/2003

Charles Ying
Z. CHARLES YING

3. We jointly conceived and invented the inventive subject matter disclosed in said publication and cited by the Examiner in rejecting the above-identified patent application. The other co-authors' contributions to said publication involved sample preparation, characterization, and measurement, and thus are not directed to the claims at issue in the above-identified patent application.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date:

06/17/03

Vladimir M. Shalaev
VLADIMIR M. SHALAEV

Date: _____

Z. CHARLES YING